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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,014	02/08/2001	Fang Fang	019815-00020	8728

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EXAMINER	
WORTMAN, DONNA C	
ART UNIT	PAPER NUMBER
1648	16

DATE MAILED: 05/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/674,014	FANG, FANG	
	Examiner	Art Unit	
	Donna C. Wortman, Ph.D.	1648	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 February 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-15* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-9, drawn to a method for screening peptide ligands of a target protein.

Group II, claims 10-15, drawn to a method of treating allergy and autoimmune diseases, comprising the usage of polypeptides or chemical compounds that bind to the framework 2 region of human immunoglobulin.

The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is a method for screening for complementary peptide ligands for particular target proteins. This feature is not shared by the invention of Group II which is a treatment method that does not require the technical feature of Group I, since the claimed treatment can also be carried out with chemical compounds or antibodies that bind target proteins.

This application contains claims directed to more than one species of each of the generic inventions. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

For Group I, species A, screening for peptide ligands to IgE;

species B, screening for peptide ligands to IgA;

species C, screening for peptide ligands to IgG;

species D, screening for peptide ligands to IgD;

species E, screening for peptide ligands to IgM;

species F, screening for peptide ligands to ICAM-1;

species G, screening for peptide ligands to LDL receptor;

species H, screening for peptide ligands to framework 2 segment of an immunoglobulin molecule.

For Group II,

species 1, treatment with polypeptides that bind to the framework 2 region of human immunoglobulin;

subspecies (a), treatment with a complementary peptide to the framework 2 region;

subspecies (b), treatment with an antibody that binds to the framework 2 region

species 2, treatment with a chemical compound that binds to the framework 2 region.

Should Applicant elect Group I, Applicant is required, in reply to this action, to elect a single species, A, B, C, D, E, F, G, or H, to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An

argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Should Applicant elect Group II, Applicant is required, in reply to this action, to elect a single species, 1 or 2, to which the claims shall be restricted if no generic claim is finally held to be allowable; additionally, should Applicant elect Group II, species 1, Applicant must additionally elect a single subspecies, i.e., either subspecies (a) or (b). The reply must also identify the claims readable on the elected species and subspecies, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Group I, claim 8 corresponds to species A-G; claim 9 corresponds to species H.

The following claims are generic: claims 1-7.

Group II, claim 13 corresponds to subspecies 1(a); claim 14 corresponds to subspecies 1(b).

The following claims are generic: claims 10-12 and 15.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or

corresponding special technical features for the following reasons: In the case of the species of Group I, the method of screening for each ligand requires a different set of recombinant nucleic acids that is not shared by or required for screening for any of the other ligands. In the case of the species/subspecies of Group II, each treatment method involves treatment with a compound or polypeptide type that is not shared by or required for treatment with any of the other compounds or polypeptides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna C. Wortman, Ph.D. whose telephone number is 703-308-1032. The examiner can normally be reached on Monday-Thursday, 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 703-308-4027. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Donna C. Wortman, Ph.D.
Primary Examiner
Art Unit 1648

dcw
May 12, 2003